

October 1, 2015
1:15 to 3:15
U.S. Fish and Wildlife Service
Ecological Services
108 Hernan Cortez Avenue, Suite 131
Hagatna, Guam

Meeting Notes
with post-meeting responses

Attendees:

Jackie Flores (JF)	Coralie Cobb (CC)
Leilani Takano (LT)	Al Borja (AB)
Ann Marie Gawel (AG)	Randy Sablan (RS)

1. CONSULTATION – LT and CC discussed what the end result of the consultation will look like. One potential option is a cover letter with the consultation on the newly listed species as an attachment. Actual end product is still to be determined but both DON and FWS would like to avoid revising the July 31, 2015 BO.
2. PLANT SURVEYS, JOINT REGION MARIANAS. CC provided LT with a map depicting the location of the proposed plant species and the project footprint. *Heritiera longipetiolata* is only additional proposed species within the Marine Corps relocation action area. The DON will include the *H. longipetiolata* in the formal consultation. FWS requested a copy of the results of the survey results for the proposed listed plants. DON also discussed that the surveys would continue on DOD lands in southern Guam. The DON thought a progress report, which would include the methodology and results, on the surveys in the north could be submitted to the FWS.
 - a. **Response.** Progress reports are included as an attachment to these meeting notes.
 - b. **Response.** Per Dana Lujan (October 8, 2015) the final report for the plant surveys in northern Guam won't be available for another 8 months because they added additional survey areas. However, they were going to do something to address the work done at AAFB in an interim or annual/progress report (the name of the report has yet to be determined). Final annual/progress report should be available at the end of October.
 - c. **Response:** FWS methodologies were used for the plant surveys (Cypher 2001). Biologists walked parallel transects spaced 10m throughout the designated areas. Transects were stratified by topography or plant community as needed. At times, multiple visits to a site were necessary to ensure that survey conditions identified rare species at different recognizable phenological events (Cypher, 2001).
3. NMS TRAINING AREAS – CC-DON will not include NMS training area in conference/consultation. No Marine Corps Relocation ground training planned in the area in the next 5 years. Ground training will need to be re-examined in the future with respect to training requirements and the ability to use NMS. Based on conversations with Mark Cruz at JRM, training in NMS is difficult due to the ESQD (Explosive Safety Quantity Distance) arc. DON will consult on training action if training is planned in the area. All DoD training is coordinated through JRM. LT- The ground or jungle training proposed within the NMS is currently part of the project description in the BO. This training may impact the newly listed species. If DON is requesting to remove this activity from the project description, please provide documentation of this request and the reason why this activity will no longer occur. If there is a chance the training will occur, we should leave it in to ensure we analyze the impacts to the species and avoid having to re-initiate the consultation again.

- a. **Response.** DON has re-evaluated the need for Marine Corps relocation-related ground training in this area. No Marine Corps relocation-related ground training is planned in the NMS. Due to the uncertainty on the type and location of training, coupled with the fact that the existence and location of newly listed species may change during that time period, DON decided to not consult on the newly listed species at this time. DON understands that no Marine Corps relocation-related ground training can occur in the NMS until consideration of the action's potential effect on newly listed species is complete.
4. TABERNAEMONTANA ROTENSIS. Error in text of Section 1.3 of the Conference Assessment. Text states "Three of the species proposed as endangered are eliminated from detailed analysis. They are *Dendrobium guamense*, *Psychotria malaspinae* and *Tabernaemontana rotensis* (Table 1-2)." The text should match Table 1-2 and read "Three of the species proposed as endangered are eliminated from detailed analysis. They are *Dendrobium guamense*, *Psychotria malaspinae* and *Tuberolabium guamense* (Table 1-2)."
5. BULBOPHYLLUM GUAMENSE. Formal or informal consultation. Will the plant be salvaged if encountered? DON needs to address what will happen if the plant is encountered.
 - a. **Response.** Based on the best available information, there is no direct impact to the species. There are fewer than 30 individuals of *Bulbophyllum guamense* within the Haputo ERA. No construction is planned in this area. There is one occurrence of *Bulbophyllum guamense* within the northern edge of the cliff line at NWF however this is a historic siting and is no longer considered to be in this location. The University of Guam surveyed this area as part of the recent surveys within the Ritidian ungulate exclosure area and did not locate the species within the area. The University of Guam found one occurrence of *Bulbophyllum guamense* within the northern edge of the non-standard small arms range of the live fire training range complex however this individual is outside of the limits of construction and no effects to this species is anticipated.
 - b. **Response.** If, during pre-construction surveys *Bulbophyllum guamense* is encountered and it cannot be avoided, healthy plants will be salvaged and either transplanted into the nearby habitat or forest enhancement sites. The ability to salvage the plants would be dependent on the health of the plant and whether or not it would survive transplantation. A qualified arborist or horticulturist will make the determination of "health". Transplantation timing will be dependent on the site security. Plants that cannot be immediately transplanted shall be stored at a native plant nursery.
 - c. **Response.** We understand that the implementation of these best management practices may result in intentional take and therefore requires this formal consultation, but the effort is certainly worth it.
 - d. **Response.** DON would like to ensure that once the BO is signed, we can begin construction or pre-construction efforts immediately. It is our understanding that since this is intentional take in order to minimize anticipated incidental take, the biological opinion and incidental take statement serve as the authority for that take. The intentional "take" would be a requirement of the proposed action to minimize the anticipated impact to the species and this action would not require a separate section 10 permit. DON proposes the following language be used to define who is "qualified" to work with *Bulbophyllum guamense*.

1. A bachelor's degree with an emphasis in botany, horticulture, ecology, or a related science;
 2. At least 100 documented hours of experience conducting propagation, transplantation, pest control and monitoring of *Bulbophyllum guamense* or a closely related species.
6. CYCAS MICRONESICA. Formal consultation. The species has not been observed within the Finegayan and AAFB impacted areas associated with the cantonment, family housing and LFTRC alternatives during past surveys. However, this species was found during pre-construction surveys for the 2010 ROD projects on AAFB. How to address potential salvage and translocation. LT asked for information on the cycad population on Tinian for inclusion in the BO as part of the status of population.
 - It was discussed that under the Proposed Action, all *C. micronesica* would be avoided to the maximum extent practicable during proposed construction activities. The DON would clarify what is meant by "maximum extent practicable."
 - a. **Response.** CC provided information on the cycad population on Tinian for inclusion in the BO as part of the status of population on October 1, 2015 via e-mail to LT.
 - b. **Response.** To clarify "maximum extent practicable," if the plant cannot be avoided, healthy plants will be salvaged and either translocated into the nearby habitat or forest enhancement sites. The ability to salvage the plants would be dependent on the health of the plant and whether or not it would survive translocation. The determination of "health" will be determined by a qualified arborist or horticulturist. The timing of translocation will be dependent on the security of the site. Plants that cannot be immediately transplanted shall be stored at the native plant nursery.
 - c. **Response.** DON proposes the following language be used to define who is "qualified" to work with the cycads.
 1. A bachelor's degree with an emphasis in botany, horticulture, ecology, or a related science;
 2. At least 100 documented hours of experience conducting cycad (*Cycas micronesica*) propagation, transplantation, pest control and monitoring.
 - d. **Response.** Outplanting of *C. micronesica* is included as part of the forest enhancement "propagation, planting, and establishment of dominant and rare species that are characteristic of native limestone forest habitats (e.g., *A. mariannensis*, *G. mariannae*, *F. prolixa*, *M. citrifolia*, *C. micronesica*, *W. elliptica*, *S. nelsonii*, *H. longipetiolata*, *T. rotensis*)."
 - e. **Response.** DON would like to ensure that once the BO is signed, we can begin construction or pre-construction efforts immediately. It is our understanding that since this is intentional take in order to minimize anticipated incidental take, the biological opinion and incidental take statement serve as the authority for that take. The intentional "take" would be a requirement of the proposed action to minimize the anticipated impact to the species and this action would not require a separate section 10 permit. DON proposes the following language be used to define who is "qualified" to work with *C. micronesica*.
 1. A bachelor's degree with an emphasis in botany, horticulture, ecology, or a related science;
 2. At least 100 documented hours of experience conducting propagation, transplantation, pest control and monitoring of *C. micronesica* or a closely related species.

7. TABERNAEMONTANA ROTENSIS. Formal or informal consultation. Reasonable to avoid the species as they are restricted to 6 locations within the water wells (2) and utility corridors (4). *T. rotensis* seeds will be salvaged during construction activities.
- a. **Response.** On October 15th we were informed that two of the four *T. rotensis* within the utility corridor of J-200 cannot be avoided. Seeds and cuttings from the trees were taken by the Guam Plant Extinction Prevention Program prior to the listing of the species.
 - b. **Response.** DON will ensure that seeds from *Tabernaemontana rotensis* will be collected by a qualified biologist. Seed storage and viability testing shall occur at a certified facility (e.g., National Center for Genetic Resources Preservation or Lyon Arboretum). The DON will ensure the seeds are appropriately prepared or treated for shipping per the instructions of the certified facility.
 - c. **Response.** Outplanting of *Tabernaemontana rotensis* is included as part of the forest enhancement “propagation, planting, and establishment of dominant and rare species that are characteristic of native limestone forest habitats (e.g., *A. mariannensis*, *G. mariannae*, *F. prolixa*, *M. citrifolia*, *C. micronesica*, *W. elliptica*, *S. nelsonii*, *H. longipetiolata*, *T. rotensis*). “
 - d. **Response.** DON would like to ensure that once the BO is signed, we can begin construction or pre-construction efforts immediately. It is our understanding that since this is intentional take in order to minimize anticipated incidental take, the biological opinion and incidental take statement serve as the authority for that take. The intentional “take” would be a requirement of the proposed action to minimize the anticipated impact to the species and this action would not require a separate section 10 permit. DON proposes the following language be used to define who is “qualified” to work with *T. rotensis*.
 - 1. A bachelor's degree with an emphasis in botany, horticulture, ecology, or a related science;
 - 2. At least 100 documented hours of experience conducting propagation, transplantation, pest control and monitoring of *T. rotensis* or a closely related species.
8. PRE-CONSTRUCTION SURVEYS. DON will conduct biological monitoring for federally listed plants and animals.
9. MARIANA EIGHT SPOT BUTTERFLY. DON proposes to salvage and translocate host plants, larvae or eggs. What is the methodology to be used to transplant host plants, larvae and eggs? Check with UoG and UH regarding methods. LT to check with Michael Richardson (FWS entomologist) regarding methodology.
- a. **Response.** Dan Rubino at UH does not think it is likely to work. He states, the host plant grows directly on limestone rock and seems to require very specific conditions. The plants have roots that grow directly into the rock, moving them would likely kill them and if it didn't, they would take time to reroot and regrow. Plus, they are very particular about where they grow and require extensive shade and humidity levels that might not be easy to find.
 - b. **Response.** However, UoG has *Procris pedunculata* in their nursery. *Procris* as cuttings seem to take fairly easily. UoG has not worked with *Elatostema calcareum* but they are similar plants so it should take as cuttings pretty easily too.
 - c. **Response.** DON would like to ensure that once the BO is signed, we can begin construction or pre-construction efforts immediately. It is our understanding that since this is intentional take in order to minimize anticipated incidental take, the biological opinion and incidental take statement serve as the authority for that take. The intentional “take” would be a requirement

of the proposed action to minimize the anticipated impact to the species and this action would not require a separate section 10 permit. DON proposes the following language be used to define who is “qualified” to work with the various species.

1. A bachelor's degree with an emphasis in botany, entomology, horticulture, ecology, or a related science;
 2. At least 100 documented hours of experience conducting propagation, transplantation, pest control and monitoring of the Mariana eight spot butterfly, *Procris pedunculata* and/or *Elatostema calcareum* or closely related species.
10. *HERITIERA LONGIPETIOLATA*. Similar to *Tabernaemontana rotensis*. Formal consultation. Four plants are to be directly impacted due to the construction of the Multi-purpose Machine Gun (MPMG) range. No plant salvage will occur. Seed collection will occur (assuming the trees produce seeds).
- a. **Response.** Seed storage and viability testing shall occur at a certified facility (e.g., National Center for Genetic Resources Preservation or Lyon Arboretum). The DON will ensure the seeds are appropriately prepared or treated for shipping per the instructions of the certified facility.
 - b. **Response.** Outplanting of *Heritiera longipetiolata* is included as part of the forest enhancement “propagation, planting, and establishment of dominant and rare species that are characteristic of native limestone forest habitats (e.g., *A. mariannensis*, *G. mariannae*, *F. proluxa*, *M. citrifolia*, *C. micronesica*, *W. elliptica*, *S. nelsonii*, *H. longipetiolata*, *T. rotensis*). “
 - c. **Response.** DON would like to ensure that once the BO is signed, we can begin construction or pre-construction efforts immediately. It is our understanding that since this is intentional take in order to minimize anticipated incidental take, the biological opinion and incidental take statement serve as the authority for that take. The intentional “take” would be a requirement of the proposed action to minimize the anticipated impact to the species and this action would not require a separate section 10 permit. DON proposes the following language be used to define who is “qualified” to work with *T. rotensis*.
 1. A bachelor's degree with an emphasis in botany, horticulture, ecology, or a related science;
 2. At least 100 documented hours of experience conducting propagation, transplantation, pest control and monitoring of *T. rotensis* or a closely related species
11. **SALVAGE AND TRANSPLANTATION OF PLANTS.** What is the plan for the salvaged plants?
- The preferred option would be do what was done at J-200 where 5 of 9 cycads were salvaged and transplanted in suitable habitat adjacent to the project site. This may not be possible in every situation. If the plants cannot be immediately transplanted, the plants would be stored at the nursery on Finegayan and outplanted in the secured forest enhancement areas. DON is proposing to develop a native plant nursery on Finegayan for the storage and propagation of native plant species.
- a. **Response.**
 1. DON will conduct pre-construction surveys.
 2. If pre-construction surveys identify a listed species present in the construction area and the individuals cannot be avoided, healthy plants will be salvaged and either transplanted into the nearby habitat or forest enhancement sites. The ability to salvage the plants would be dependent on the health of the plant and whether or not it would survive transplantation. A qualified arborist or horticulturist will make

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the determination of “health”. Transplantation timing will be dependent on the site security.

3. Plants that cannot be immediately transplanted shall be stored at a native plant nursery.
12. THREE SNAILS. It was discussed that the project impacts to the snails would likely be addressed by an informal consultation. FWS will review the surveys on the snails and confirm. The snails in northern Guam are within the Haputo ERA and no construction is planned for this area. DON will not include NMS training area in conference/consultation. No Marine Corps Relocation ground training planned in the area in the next 5 years. Ground training will need to be re-examined in the future with respect to training requirements and the ability to use NMS. Based on conversations with Mark Cruz at JRM, training in NMS is difficult due to the ESQD (Explosive Safety Quantity Distance) arc. DON will consult on training action if training is planned in the area. All DoD training is coordinated through JRM.
13. INTENTIONAL TAKE COVERAGE IN BO. CC – Kristi Young said there may be some language in the ESA Consultation Handbook that addresses the need for a section 10(a)(1)(A) permit versus coverage in the BO. The Handbook says when intentional take is described as part of the proposal in order to minimize anticipated incidental take, the biological opinion and incidental take statement serve as the authority for that take. Need to identify the qualifications of those covered by the BO. DON to provide sample language used for the cycad work at J-200. LT- We will follow up with Kristi and decide if we are able to address the intentional take in the re-initiation.
 - a. **Response.** DON proposes the following language be used to define who is “qualified” to work with the newly listed species.
 1. A bachelor's degree with an emphasis in botany, horticulture, ecology, or a related science;
 2. At least 100 documented hours of experience conducting [THE SPECIES OR A CLOSELY RELATED SPECIES] propagation, transplantation, pest control and monitoring.

October 2, 2015
2:00 to 4:00
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14. REGIONAL BIOSECURITY PLAN – Application of RBP to the newly listed species.
 - a. **Response.** Refer to 2.4.1, pgs. 35-39 of the Biological Assessment for the Re-Initiation of Consultation regarding the Proposed Military Relocation to Guam.
15. SUFFICIENCY OF CONSERVATION ASSESSMENT TO INITIATE FORMAL CONSULTATION. As requested in the FWS's September 3, 2015, letter, the DON provided the recently completed surveys for the newly listed species conducted on NWF. As noted above, these surveys indicated locations of the newly listed *Heritiera longipetiolata* within the project footprint. The DON is including this additional species in their request for formal consultation. LT need to discuss whether a BA will be required to address insufficiencies in the CA. Because of the inadequacy and incorrect information provided in the CA, a BA may be required in order to initiate the formal consultation. It was discussed that if the CA included adequate information, the FWS could have used the CA as a replacement for the BA. JF will check with Kristi and Dave on this, and get back to CC. DON would provide additional information in a timely manner in lieu of developing a separate BA. The CA was provided in March of 2015 and the response from FWS requesting additional information wasn't received until September 10, 2015.
 - a. **Response.** DON is willing to provide FWS any information in a timely manner to ensure the consultation timeline is met. In addition, we think it is important to note that based on the best available information, our proposed action will not directly impact 5 of the 8 species included in the consultation. The only direct, unavoidable impacts are to the Mariana eight spot butterfly and *Tabernaemontana rotensis*, *Heritiera longipetiolata*. The impacts to the other species (*Bulbophyllum guamense*, *Cycas micronesica*, *Partula gibba*, *Partula radiolata*, and *Samoana fragilis*) can be avoided based on the best available information. As good stewards of the resources, we have included best management practices for all 8 species to include the collection of seeds of the newly listed species, translocation of any newly listed plants and host plants for newly listed species. We understand this intentional take requires formal consultation if the species need to be moved from their current locations.
16. SECTION 7(D) - LIMITATION ON COMMITMENT OF RESOURCES. After initiation of consultation required under subsection (a)(2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2).

DON will provide a map of the locations needed to do prep work prior to construction including geotechnical borings and cultural resources surveys. The map will include the location of all known federally listed species.

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DON will provide a biological monitor to survey the construction prep locations prior to impact to ensure no listed species will be impacted. Biological monitors must be able to identify all listed species within the action area. The DON's current biological monitors have the ability to survey for listed species and have already conducted surveys of the Finegayan area (field survey reports to be provided to FWS). If listed species are observed, DON will work with the contractor to avoid impact to the listed species.

DON will provide a map depicting the final location of all vegetation clearing after construction prep is complete to document any changes from the original plan.

Need to provide this information to FWS prior to November of 2015.

17. TIMELINE FOR REINITIATION – February of 2016. CC – DON questioning why the date has slipped from November 2015 to February 2016. LT unaware of November 2015 date. CC – what can DON do to expedite the process? CC requested that we complete the consultation before the end of the calendar year. JF stated that the due date for the consultation depended on when the FWS received the missing information. LT – provide status of the species in the Action Area to update and correct information in the CA, include UoG rare plant survey at AAFB, clarify ambiguous language in the CA such as “maximum extent practicable” for conservation measures for the newly listed species, and biological monitoring reports from current construction projects.
 - a. **Response.** LT stated they were unaware of the November 30, 2015 date for the BO. E-mail from Theresa Rabot of Friday, July 31, 2015 to Dan Cecchini “Right now, we'd be looking at the Marine relocation opinion starting in August and completed by Nov 30.” [E-mail attached].
18. ISR STRIKE/NWF BEDDOWN FENCE REPLACEMENT. CC – reviewed previous two alternatives to the existing fence citing proximity to the existing fence (LFTRC fence) and the forest enhancement sites on Finegayan. LT – the siting of a replacement fence would need to be coordinated through the Adaptive Management Team established by the ISR Strike BO. The Adaptive Management Team consists of Air Force, Service (Ecological Services and the Guam National Wildlife Refuge), and Guam Division of Aquatic and Wildlife Resources biologists familiar with the species and their conservation. CC to contact Dana Lujan regarding replacement of ISR Strike fence.
 - a. **Response.** CC contacted Dana Lujan on October 8th regarding the replacement of the ISR Strike fence and meeting with the Adaptive Management Team to discuss options for the replacement fence. Dana is going to try to coordinate a meeting with the team on November 20, 2015.
 - b. **Response.** From the ISR Strike BO...The USFWS and Adaptive Management Team will approve the basic written strategy as well as subsequent changes to ensure it meets the goals of avoidance, minimization, and species recovery efforts. The approved strategy will be incorporated or attached to the Andersen AFB Integrated Natural Resources Management Plan. The Plan's formal updates carry the Service as a signatory under the Sikes Act Improvement Amendments.
 - c. **Response.** CC – The ISR Strike BO addresses 3 of the 67 construction projects that compose the ISR Strike program. Only 3 affected federally listed species. They were (a) Aircraft Staging Area, (b) Commercial Entry Gate, and (c) Truck Inspection Facility.

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The 2010 FEIS and associated BO covered the Commercial Entry Gate and Truck Inspection Facility. Both projects have been completed under the "Relocation of the U.S. Marine Corps from Okinawa to Guam and Associated Activities on Guam" action. The Commercial Entry Gate and Truck Inspection Facility total 18.7 acres of impact that did NOT occur under ISR Strike BO.

Based on recent discussions with Air Force representatives, we understand that the Aircraft Staging Area project has not been completed. It is planned for FY17 or FY18.

Therefore, none of the impacts to threatened or endangered species planned under the ISR Strike BO have occurred to date.

19. FOREST ENHANCMENT PROJECT. CC – DON recently awarded a task order for the development of a "Conceptual Limestone Forest Restoration and Enhancement Management Plan on Department of Defense Lands on Guam." The overarching goal is to take an ecosystem approach to restoring, enhancing and managing the limestone forest on Department of Defense (DoD) lands. LT – will DAWR be notified of the development of this plan? CC – JRM has been notified and is responsible for providing the information to DAWR through the INRMP process.
20. REINITIATION OF CONSULTATION. LT – Since the proposed species have been formally listed as of October 1, 2015 conferencing is no longer required. The conference is now a consultation under Section 7 of the Endangered Species Act. Kristi Young had previously stated that the conference could roll into a formal consultation. DON understands that the conference is now a re-initiation of the formal consultation for this project.
21. **Additional information.** DON recently awarded a task order for the development of a reintroduction plan for the Guam Micronesian kingfisher. The overarching goal is to ensure that the conservation measures DON is implementing are being conducted in the most efficient and cost effective manner while working towards the goal of delisting the GMK. The objective of this project is to identify the steps needed to achieve these goals. The Contractor will be conducting a literature review, a review of the survival and recovery habitat criteria and a plan of action and milestones. The pre-performance meeting for this task order is planned for October 28, 2015.